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Letter dated 21 September 2011 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith the text of the written statement of the delegation of Chile in exercise of the right of reply to the statement made by the President of the Plurinational State of Bolivia, Evo Morales, on 21 September 2011 at the sixty-sixth session of the General Assembly. I should be grateful if the text of this letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Octavio **Errazuriz**
Ambassador
Permanent Representative

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Annex to the letter dated 21 September 2011 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

Reply of Chile to the statement made by the President of the Plurinational State of Bolivia, Evo Morales, on 21 September 2011 at the sixty-sixth session of the General Assembly

The President of the Plurinational State of Bolivia made reference to his country's attempt to gain sovereign access to the Pacific Ocean through Chilean territory.

In exercise of the right of reply to his statement, we should like to point out that there are no territorial issues pending between Chile and Bolivia. They were settled once and for all by the 1904 Treaty of Peace and Friendship. This Treaty was validly negotiated more than 20 years after the conflict had ended; it was approved by the parliaments and ratified by the Governments. As Bolivia has recognized, the Treaty was the outcome of free and agreed negotiations. Accordingly, there is no basis for claiming that it was imposed or was the result of force.

Chile has made every effort to comply in full and in a timely manner with all the articles of the 1904 Treaty of Peace and Friendship. The free transit regime that Chile grants to Bolivia has been fully implemented, and its application has been expanded and modernized to take account of new transport systems and international regulations. These facilities far exceed those specified in the Convention on Transit Trade of Land-locked States, and our country — as a transit State — has emphasized, in the relevant forums, the importance that it attaches to cooperation regarding this regime.

Bolivia does not have a presumed sovereign right of access to the sea through Chilean territory, as President Morales endeavours to suggest. Moreover, the 1904 Treaty of Peace and Friendship has not been violated or breached.

Bolivia has adopted positions that are contrary to the spirit of dialogue that should prevail in both Governments. We have thus been obliged to recall that the Constitution of the Plurinational State of Bolivia, approved in 2009, introduced provisions which contravene the framework of international law governing peaceful coexistence among nations and which are therefore unenforceable against our country. Chile has therefore made an express reservation with regard to those constitutional provisions, and to article 267 and the ninth transitional article of the Bolivian Constitution.

Our country has always been and will continue to be ready to engage in dialogue with Bolivia on the basis of full respect for the 1904 Treaty of Peace and Friendship and other existing bilateral treaties. As this is a strictly bilateral issue, Chile reiterates that it does not recognize the competence of international bodies to consider or rule on matters related to its territorial integrity, such matters being covered in boundary treaties.